

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 8, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo (arrived @ 7:38), Artie Crocker, Stephen Farr, Peter Oehlkers, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Irene Belibasakis, Emmanuel Belibasakis, Bill Brown, Michelle Callahan, Patricia Carey, Inge Daniels, Sara Dmytryck, Donald Halter, Chris Kickham, Tom Lambert, Mike Retzky, Adam Riquier, Michele Rogers, Todd Ruderman, Doug Sherman, Diane Simonelli, Rob Tatro, Steven Ventresca, Susan Whalen

P. Oehlkers opened the public meeting at 7:35 pm.

MISCELLANEOUS BUSINESS:

MEETING MINUTES:

Motion to approve the Meeting Minutes of November 10, 2016 by S. Soltzberg, seconded by A. Richardson, approved 4-0-1 (S. Farr abstained).

ENFORCEMENT & VIOLATION UPDATES:

1375 GREAT PLAIN AVENUE

M. Varrell reported that the Owner had submitted the Restoration Plan as required and the Commission will review it at the next meeting.

10-16 CHARLES STREET (DEP File #234-727)

M. Varrell reminded the Commission of their discussion regarding the berm constructed at 10-16 Charles Street. The owner had requested a Certificate of Compliance for the Order of Conditions, which was the result of an Enforcement Order issued for unpermitted parking lot re-paving. The landscaper constructed the berm which would be considered "fill in Floodplain" and creates a potential flooding situation in the parking lot.

M. Varrell had spoken with the Applicant's Engineer and he agreed the berm is not a sound idea. M. Varrell had suggested that the Applicant should cut a 2 to 3-foot wide gap in the berm, put down fabric and stone to allow the water to escape until spring when they can work to remove the berm. The Commission had agreed to M. Varrell's approach. M. Varrell followed-up with the project engineer and met him on-site. The engineer had supervised the landscaper as he cut a hole approximately 3-feet wide in the berm to allow water to exit the parking lot and installed stone to prevent erosion. The engineer plans to do floodplain calculations to determine if the berm needs to be removed. If it needs to be removed, the area will be re-vegetated in the spring upon its removal.

CENTRAL AVENUE BRIDGE

M. Varrell described that he had conducted a site visit to the area approximately one week ago and found the erosion controls to be poor condition. In lieu of replacing non-functioning erosion controls, the contractor has been simply adding erosion controls. The entire site was in a state of disrepair and a portion of the erosion control barrier was breached. There was no indication that sediment entered the river from the site. M. Varrell gave them a short deadline to clean up the site and bring the erosion controls back to a functioning level. M. Varrell indicated that he returned to the site earlier in the day. They had installed a double row of staked straw bales as requested and cleaned up the site to M. Varrell's satisfaction. The only remaining issues are to extend the erosion controls in several areas and an exposed slope will be covered in straw mulch to protect it from erosion for the winter.

M. Varrell noted that while on-site he noticed platforms from the construction still within the river. He spoke with a person on the site who stated the platforms may remain through the winter. M. Varrell will get more information regarding the platforms.

HEARINGS

68 PLEASANT STREET – NOTICE OF INTENT (DEP FILE #234-7XX)

J. Carter Bernardo opened the public hearing at 7:45 p.m.

M. Varrell reported that DEP had not yet issued a File Number for the project. Diane Simonelli represented the Applicant, Tom Lambert. The proposed project is the tear-down of a single-family home and garage and construction of a duplex and new garage. The wetland is located at the rear of the property. The existing condition of the backyard is that it is mainly covered in asphalt and tarps. The removal of the existing impervious area and subsequent construction results in an increase of impervious area of 126 square feet in the 100-foot Buffer Zone.

D. Simonelli reviewed the findings and plan changes that were the result of a site walk with Conservation staff. The proposed garage was moved 6-inches further away from the wetlands. Plantings are proposed to delineate the 25-foot Buffer Zone. There is a concern that the large cottonwood tree located partially on the abutting property may suffer root damage during construction. An Arborist has examined the tree and recommended precautions to take during construction to limit any potential damage.

The project has gone through the ZBA for relief from the setback requirements. Stormwater management was addressed during the ZBA process and a report provided to the Commission. Four (4) Canadian Hemlock trees are proposed to mitigate for the removal of two trees in the 100-foot Buffer Zone. There was some concern that the Hemlock trees are affected by woolly adelgid. M. Varrell proposed that the Applicant consider planting some trees in the 25-foot Buffer Zone restoration area. Erosion controls have been added to the plan. There was discussion about the Cottonwood tree and its protection.

The Commission questioned why the garage is located so close to the wetlands. T. Lambert replied that it is so far back to leave room for lawn. There was a discussion regarding the invasive species located on and adjacent to the property. M. Varrell questioned the proposed installation of wetland seed mix within the 25-foot Buffer Zone. There was discussion regarding

options for demarcation of the 25-foot Buffer Zone. Debris located in the wetland will be removed.

The Commission will require a Waiver for work in the 25-foot Buffer Zone to be submitted. J. Carter Bernardo had reviewed the drainage calculations that were provided and found several errors in the report, however; she determined the recharge system should function as designed. The Commission will require a statement in the Order of Conditions that they do not accept the calculations that were provided. The hearing will be continued for submission of a revised plan including a Waiver Request, Waiver Fee, DEP File number, additional plantings in 25-foot Buffer Zone including trees and demarcation of the 25-foot Buffer Zone.

Motion to continue the public hearing for 68 Pleasant Street (DEP File #234-7XX) for issuance of a DEP file number and additional information to December 22, 2016 at 8:00 p.m. by S. Farr, seconded by S. Soltzberg, approved 6-0-0.

25 MARR ROAD – continued NOTICE OF INTENT (DEP FILE #234-769)

J. Carter Bernardo opened the public hearing at 8:15 pm. She stated that the Applicant had requested a continuance to the December 22, 2016 meeting.

Motion to continue the public hearing for 25 Marr Road (DEP File #234-769), at the Applicant's request, to December 22, 2016 at 8:00 pm. by S. Farr, seconded by A. Crocker, approved 6-0-0.

947 WEBSTER STREET – NOTICE OF INTENT (DEP FILE #234-771)

J. Carter Bernardo opened the public hearing at 8:20 pm.

M. Varrell stated that the Hearing had been continued for issuance of a MassDEP number which has been issued, submittal of additional filing fees which have been received, and submittal of a planting key which has been received.

The Applicant's Landscape Designer, Sara Dmytryck, presented the proposed project. The Applicant, Jennifer Griffor, was present. Ms. Dmytryck re-iterated that when they began working on the project they had removed vegetation from the Bordering Vegetated Wetlands, not realizing the area was a protected resource. In response, the Commission required that they submit a Restoration Plan for the area. Approximately 150 native non-cultivar plants have been installed in the wetlands and Buffer Zone. A cobblestone border was installed at the limit of the 25-foot Buffer Zone to delineate the area. A pervious paver patio is proposed. A pergola will be installed on the patio.

J. Carter Bernardo asked about the open Order of Conditions that needs to be closed out. M. Varrell stated that the OOC had been for construction of the house for which a partial Certificate of Compliance had been issued. A monitoring requirement remained for tree plantings, however; those trees have now been transplanted. The old Order should be closed out and the outstanding tree monitoring rolled into the new Order.

Motion to close the public hearing for 947 Webster Street (DEP File #234-771) by S. Farr, seconded by A. Crocker, approved 6-0-0.

Motion to issue a Waiver for work in the Bordering Vegetated Wetlands and the 25-foot Buffer Zone for 947 Webster Street (DEP File #234-771) by S. Farr, seconded by A. Crocker, approved 6-0-0.

Motion to issue an Order of Conditions for 947 Webster Street (DEP File #234-771) by S. Farr, seconded by A. Crocker, approved 6-0-0.

33 BURR ROAD – NOTICE OF INTENT (DEP FILE #234-770)

J. Carter Bernardo opened the public hearing at 8:25 pm.

The Applicant, Todd Ruderman and his Representative, Inge Daniels, were present. Inge Daniels stated that they had submitted an Arborist Report as requested regarding the removal of the two pine trees. J. Carter Bernardo confirmed that they planned to install three trees and shrub plantings for the two trees proposed for removal. As the pine trees were deemed hazardous by the Arborist, the 2:1 replacement policy would not apply. The Commission discussed the appropriateness of installing non-native apple trees.

Motion to close the public hearing for 33 Burr Road (DEP File #234-770) by S. Farr, seconded by A. Crocker, approved 6-0-0.

Motion to issue the Order of Conditions for 33 Burr Road (DEP File #234-770) by S. Farr, seconded by A. Crocker, approved 6-0-0.

92 SUTTON ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public hearing at 8:30 p.m.

M. Varrell explained that the owners had a previous Order of Conditions issued for an addition. They had come before the Commission recently requesting approval of a Minor Modification for the installation of a shed which had been approved by the Commission. The Conservation staff later realized that the previous OOC had expired and the Applicant would need to file a Request for Determination of Applicability to permit the shed.

The Applicant, Emmanuel Belibasakis described the plantings he was proposing to install in addition to the shed installation. J. Carter Bernardo requested that the Applicant file a Request for Certificate of Compliance to close out the expired Order of Conditions.

Motion to close the public hearing for 92 Sutton Road by S. Farr, seconded by A. Crocker, approved 6-0-0.

Motion to issue a Waiver for work in the 25-foot Buffer Zone for 92 Sutton Road by S. Farr, seconded by A. Crocker, approved 6-0-0.

Motion to issue a Negative Determination of Applicability for the installation of a shed and plantings at 92 Sutton Road by S. Farr, seconded by A. Crocker, approved 6-0-0.

OTHER BUSINESS:

HILLSIDE SCHOOL – CENTRAL AVENUE – INFORMAL DISCUSSION

The proposed Hillside School project team including: Hank Haff, Public Facilities, Construction Division, Steve Popper, Director of Public Facilities, Construction Division, and their

Representatives: Bill Brown, Michelle Callahan, Donald Halter, Michele Rogers, Rob Tatro, and Steven Ventresca presented an informal project update.

M. Rogers gave an overview of the entire project, including access and building locations. There was a description of the size of the existing and proposed Hillside School play/physical education areas. The surrounding environment, including wetlands, proposed trail system and a “science pond” have been included in the curriculum. Trees installed in the landscape will be labeled with their species for student identification exercises.

The FEMA Floodplain has been set at elevation 85 via submission of a LOMA Plan. The lowest elevation of the bottom floor of the building is set at elevation 90. H. Haff stated that the current Hillside School will be used as a transition space in the future. J. Carter Bernardo suggested that off-site mitigation may be possible by restoring portions of the 25-foot Buffer Zone at the current Hillside School. There was a discussion regarding proposed fencing surrounding portions of the proposed field at the new Hillside School and removal of existing fencing.

Mr. Tatro, a Hillside School Physical Education Teacher, described the existing amount of play space including the field that the children have to play in and why they require the proposed field to be a certain minimum size.

There was discussion on the following topics:

- the benefits of the proposed use of artificial turf for the field; the Commission does not oppose use of artificial turf;
- potential safety fencing around the science pond; the Commission expressed the need to consider wildlife access when considering safety fencing;
- potential wetland mitigation and compensatory flood storage; the Commission stated that they were satisfied that the described mitigation efforts would appear to satisfactorily offset the work proposed in the 25-foot Buffer Zone;
- control of invasive species on the site; the Commission stated design of restoration areas should include invasive species control issues;
- revisions to the extent of paths around the proposed play field; the Commission would prefer no trail between the playfield and the wetland resources; and
- the necessary scope of survey of the area that is owned by the Town of Wellesley and the adjacent wetland resource areas; the Commission will not require a stamped survey plan of the trail area.

M. Varrell suggested that the filing of a Request for Determination of Applicability for the proposed trails would be sufficient as work is relatively minor and within Buffer Zone only. Conservation Staff will delineate the wetlands for the project. Staff will review if the construction of the trails is covered under the Town’s Trails Negative Determination of Applicability. P. Carey from the Park and Recreation Dept. stated their department supports the trails and field requests.

649 SOUTH STREET (DEP FILE #234-667) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson stated that the proposed project had been for the installation of a “sports court.” The project was never built and the Permit has since expired. D. Anderson recommended issuance of a Certificate of Compliance stating no work occurred.

Motion to issue a Certificate of Compliance for 649 South Street (DEP File #234-667) by S. Farr, seconded by A. Crocker, approved 6-0-0.

ISSUANCE OF ORDER OF CONDITIONS FOR 0 ROSEMARY STREET (DEP FILE #234-764)

The Hearing had been closed at the November 10, 2016 meeting. The Commission reviewed and discussed the draft Order of Conditions. S. Farr signed a Mullin’s Rule form for the project.

Motion to issue a Waiver for work within Bank, Land Under Water Bodies and Waterways, Bordering Land Subject to Flooding and within the 25-foot Buffer Zone by S. Farr, seconded by S. Soltzberg, approved 6-0-0.

Motion to issue the Order of Conditions for 0 Rosemary Street (DEP File #234-764) by S. Farr, seconded by A. Crocker, approved 6-0-0.

CONSERVATION DIRECTOR UPDATES:

RIDGE HILL ESKER TRAIL

M. Varrell explained he had been to Ridge Hill recently and noticed that many of the young white pine trees in the area of the Esker Trail appear to be browning and dying. He visited the site with members of the town’s Parks & Forestry Division and they felt it was a combination of white pine blister rust and the recent drought conditions which are stressing the trees. There is a possibility that the rust could spread from tree to tree so they should keep an eye on it.

EVERSOURCE DRAFT EIR

M. Varrell reported that he had read the draft EIR for the West Roxbury to Needham Reliability Project for Eversource. He noted that comments are due tomorrow and he had drafted a comment letter for the Commission’s review. M. Varrell does not think the draft EIR goes into enough detail regarding the change of forested wetlands to shrub/scrub wetlands. The letter requests they go into more detail. The Commission stated their support of the draft comment letter and directed M. Varrell to submit it.

Motion to adjourn the meeting by A. Crocker, seconded by S. Soltzberg, approved 6-0-0.

The meeting was adjourned at 10:05 pm.

NEXT PUBLIC MEETING

Thursday, December 22, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.